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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,144

01/26/2004

Anne-Marie Albanese Lerner

0701-2812

4362

33939

7590

11/16/2005

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EXAMINER

ROJAS, BERNARD

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/767,144	LERNER, ANNE-MARIE	
	Examiner	Art Unit	
	Bernard Rojas	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,7-12 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Embodiment 1, Figure 2 in the reply filed on 08/26/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2,3,7-12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Swanson et al. [US 5,947,457].

Claim 2, Swanson et al. discloses a vibration absorber for absorbing vibrations over a range of frequencies from a vibrating device, comprising a base mass [24, 44, 26] for attachment to the vibrating device [22]; an absorber mass [44]; at least an element [46] connected between the base mass and the absorber mass; a magnetic flux path through the base mass, the absorber mass, and the element for conducting a magnetic flux [figure 5]; the magnetic flux being changeable in response to a change in frequency from the vibrating device [col. 15 lines 29-36, col. 6 lines 50-70]; and the element being switchable in response to a change of the magnetic flux in the magnetic

flux path, whereby the vibrations over the range of frequencies from the vibrating device may be absorbed by the switchability of the element in response to the changeability of the magnetic flux in the magnetic flux path.

Claim 3, Swanson et al. discloses the vibration absorber of Claim 2, wherein the element comprises a pair of elements [2 springs, figure 5].

4-6

Claim 7, Swanson et al. discloses the vibration absorber of Claim 2, wherein the base mass and/or the absorber mass are relatively rigid.

Claims 8 and 12, Swanson et al. discloses the vibration absorber of Claim 2, wherein the absorber mass comprises a magnet [figure 5]0

Claim 9, Swanson et al. discloses the vibration absorber of Claim 2, wherein the magnetic field source comprises a coil [40] of current-bearing wire encircling the base mass and/or the absorber mass.

Claim 10, Swanson et al. discloses the vibration absorber of Claim 2, wherein the base mass and/or the absorber mass comprises iron or low carbon steel.

Claim 11, Swanson et al. discloses the vibration absorber of Claim 2, wherein the element is not geometrically constrained [figure 5].

Claims 14-18, the method steps to absorb vibrations from a vibration device are inherent in the product structure as described for claims 2, 3 and 7-12 previously.

Allowable Subject Matter

Claims 4-6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bernard Rojas
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11/14/05